IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8755 OF 2005

Embedded Resources Private Ltd. and Anr. ..Petitioners

Versus

City and Industrial Development Corporation of Maharashtra Limited and Anr. ... Respondents.

Mr. S.E. Bharucha with Ms. A. B. Kapadia, instructed by Daphtary Ferreira & Divan for the petitioners.

Mr. G.S. Hegde for respondent No.1.

Mr. P.I. Khemani, Assistant Government Pleader, for respondent No.2.

CORAM: **V.G. PALSHIKAR, Ag. C.J.,** & **SMT. NISHITA MHATRE, J.**

DATE: **JANUARY 17, 2006**.

P.C.

By this petition, the petitioners have challenged the communication dated 28th November, 2005, by which the first respondent-City and Industrial Development Corporation of Maharashtra Limited, has cancelled the contract which it had entered with the petitioners for giving the land on lease, the terms of which were mentioned in the contract.

2. The petitioners have effective alternate efficacious remedy of

filing suit in the Court of proper jurisdiction. The impugned communication is of 28th November, 2005. The civil suit could have been filed and necessary orders to protect possession of the petitioners could have been taken. Instead of filing such effective existing remedy, the petitioners desire interference under Article 226 on the ground that personal hearing was not given to the petitioners by CIDCO when the contract was terminated. The unilateral termination of contract is itself the cause of action and question of personal hearing may not arise. It is also contended that the first respondent having voluntarily entered into contract, they could not be *para delicto* with the petitioners. This contention need not be decided or dealt with in this petition as same could be agitated with equal force with the Court of appropriate jurisdiction. Reserving that remedy to the petitioners, this petition is dismissed.

3. At this stage, the learned counsel appearing on behalf of the petitioners submits that the petitioners be protected for one week to enable them to effectively pursue their remedy. In view of this, CIDCO should maintain *status quo* for one week more.